Richard M. Berman, U.S.D.J.:

Plaintiff having failed to appear before the Court on September 17, 2009 and not having advised the Court of a reason for Plaintiff's failure to appear, it is hereby

ORDERED, the above-entitled action be, and the same hereby is, discontinued; provided, however, that within fourteen (14) days of the date of this Order, counsel for Plaintiff may upon good cause shown apply by letter for restoration of the action.

SO ORDERED.

Dated: New York, New York

September 17, 2009

Hon. Richard M. Berman, U.S.D.J.